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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ENVIRONMENTAL DEFENSE,	)	Case No. C 05 2090 SC
	)	
Plaintiff,	)	STIPULATED MOTION TO
	)	EXTEND CONSENT
v.	)	DECREE DEADLINE
	)	
	)	
UNITED STATES ENVIRONMENTAL	)	
PROTECTION AGENCY, et al.,	)	
	)	
Defendants.	)	

Plaintiff Environmental Defense and defendants United States Environmental Protection Agency and Stephen L. Johnson, Administrator United States Environmental Protection Agency, (collectively "EPA") jointly stipulate to this motion to extend the deadline in paragraph 4 of the Consent Decree (as modified by previous extensions) from December 14, 2006 to March 14, 2007.

This action concerns a petition submitted by Environmental Defense to EPA asking EPA to list diesel engine exhaust as a hazardous air pollutant under section 112(b)(3) of the Clean Air Act, 42 U.S.C. § 7412(b)(3). On February 15, 2006, the Court entered a Consent Decree that establishes deadlines for EPA to respond to that petition.

1 Paragraph 7 of the Consent Decree provides that the deadlines in paragraphs 4 and 5 of the  
2 Consent Decree can be extended for a period greater than 60 days with approval of the  
3 Court and that such approval may be granted upon stipulation of the parties.

4 The parties have agreed that it is appropriate to extend the deadline in paragraph 4  
5 of the Consent Decree (as modified by previous extensions) to March 14, 2007.

6 Accordingly, pursuant to paragraph 7 of the Consent Decree, defendants EPA and plaintiff  
7 Environmental Defense hereby stipulate, subject to approval by the Court, to an extension  
8 of the deadline in paragraph 4 of the Consent Decree for EPA to sign either a proposal to  
9 grant plaintiffs' petition to list diesel emissions as a hazardous air pollutant or a final  
10 denial of the petition from December 14, 2006, to March 14, 2007.<sup>1/</sup>

11 Respectfully submitted on this 11th day of December, 2006.

12  
13 Respectfully submitted,

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15 SUE ELLEN WOOLDRIDGE  
16 Assistant Attorney General

17 /S/  
18 NORMAN L. RAVE, JR.  
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26 Counsel for Defendants

27 <sup>1/</sup> Paragraph 7 of the Consent Decree also provides that the deadlines in paragraphs 4  
28 and 5 can be extended for a period of 60 days or less without the need for approval by the  
Court. In earlier filings, the parties have stipulated to extend the deadline in paragraph 4 of  
the Consent Decree from June 12, 2006 to December 14, 2006.

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/S/  
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IT IS SO ORDERED

